

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of : Group Art Unit: 3752
Stephen J. Meyer, *et al.* :
Appl. No.: 09/196,680 : Examiner: C Kim
Filed: November 20, 1998 :
For: ORDINARY HAZARD EXTENDED : Attorney Docket
COVERAGE SIDEWALL : No. 5903-157
SPRINKLERS AND SYSTEMS :

FAX RECEIVED

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Group 3700

SUPPLEMENTAL DECLARATION OF JAMES E. GOLINVEAUX

I, James E. Golinveaux, hereby declare and state:

1. I am the same James E. Golinveaux who is a co-inventor of and who previously executed a Declaration on June 23, 2000 in connection with the above-identified patent application.

2. In the summer of 1999, Tyco International, Inc. ("Tyco"), the parent of Grinnell Corporation ("Grinnell"), which is the listed owner of Tramm U.S. Patent No. 5,810,263 currently being cited by the Examiner as prior art against the above-identified application, and many other corporations, purchased Central Sprinkler Corporation ("Central"), which is the parent of Central Sprinkler Company, the listed owner of Meyer et al. U.S. Patent No. 5,609,211.

That patent was previously cited by the Examiner as prior art against the above-identified

application. Grinnell is the successor of Grinnell Fire Protection Systems Co., Inc., the listed owner of Fischer U.S. Patent No. 4,296,816, also currently being cited by the Examiner as prior art.

3. Since the acquisition of Central by Tyco, I have been made Senior Vice President for Research and Development of yet another Tyco entity, Tyco Fire Products LP. As such, I am responsible for all sprinkler research and development at Central and Grinnell and also at Star Sprinkler, another sprinkler manufacturing subsidiary of Tyco. Tyco, including its collective individual companies, is the largest manufacturer of automatic fire sprinklers in the United States and in the world. Tyco companies sell more sprinklers and more different types of sprinklers than other entity in the world.

4. This worldwide fire sprinkler business is supported by me and the people who report to me. The people reporting to me have knowledge of each country having any sprinkler regulatory standards or requirements including any qualifying testing. In addition, they are responsible for monitoring competitive developments throughout the world.

5. In this position, I have had to become familiar with the other Tyco fire sprinkler companies, their products and history, including Grinnell sidewall fire sprinklers. On information and belief, at no time before the November 20, 1998 filing date of the above-identified application did Grinnell or anyone at Grinnell including Mr. Michael A. Fischer (sole listed inventor on Fischer U.S. Patent No. 4,296,816) or Mr. Robert D. Tramm (sole listed inventor on the Tramm U.S. Patent 5,810,263) ever build, have built, test or have tested any sidewall sprinkler having a K factor greater than 9 or any extended coverage ordinary hazard sidewall sprinkler. Fischer discloses only a standard orifice, extended coverage, light hazard sidewall sprinkler. Tramm discloses only a standard orifice, standard coverage sidewall sprinkler.

6. When applicants sought to have the sidewall sprinklers of the present application

tested for listing or approval, no testing lab anywhere in the world had a set of test standards prepared for extended coverage ordinary hazard sidewall sprinkler testing. This was true even though both UL and FM had such tests defined at that time for extended coverage ordinary hazard ceiling sprinklers. Central had to request UL to prepare such test standards and to negotiate their terms with UL. Even today, only UL and its affiliated company, Underwriters Laboratories Canada, are the only sprinkler testing laboratory with established test standards for extended coverage ordinary hazard sidewall sprinklers. Specifically, on information and belief, no other laboratory, including FM and LPCB referred to in the Tramm U.S. Patent No. 5,810,263 have publicized or even developed any test standards for approval or listing of extended coverage ordinary hazard sidewall sprinklers.

7. On information and belief, including all information available to me since my last declaration, the sidewall sprinklers disclosed in the above-identified patent application were the first extended coverage ordinary hazard sidewall sprinklers ever to be built and successfully fire tested anywhere in the world and the first automatic sidewall fire sprinklers with K factors greater than 9 gpm/($\sqrt{\text{psig}}$) ever to be built and successfully fire tested anywhere in the world for any level of hazard protection over any area. On information and belief, including all information available to me since my last declaration, they were the first sidewall sprinklers ever to be listed or approved as providing effective ordinary hazard protection over an extended coverage area greater than one-hundred square feet by any industry or regulatory recognized testing or listing organization including, specifically, the three organizations referred to in the Tramm U.S. Patent 5,810,263: Underwriter Laboratories, Inc. ("UL"), Factory Mutual Research Corporation ("FM") and the Loss Prevention Council Certification Board ("LPCB") of Great Britain. Indeed, on information and belief, including all information available to me since my last declaration, they are still the only extended coverage ordinary hazard sidewall sprinklers and the only sidewall

sprinklers with K factors greater than 9 gpm/($\sqrt{\text{psig}}$) to be listed or approved or offered for sale anywhere in the world today despite their introduction over two years ago.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

7/3/01

JAMES E. GOLINVEAUX